

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

DAVID JOHN THORKELSON, as
Personal Representative of the
Estate of Debi Lyn Thorkelson,

Plaintiff,

v.

Case No: 2:19-cv-263-SPC-MRM

CARMINE MARCENO and
ROBERT CASALE,

Defendants.

_____ /

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 83](#)). Judge McCoy recommends granting in part and denying in part Defendants' Renewed Motion to Tax Costs ([Doc. 77](#)). No objections have been filed, and the time to do so has expired.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which

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objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file independently and upon considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now


ORDERED:

Defendants’ Renewed Motion to Tax Costs (*Doc. 77*) is **GRANTED IN PART AND DENIED IN PART** as follows:

- (1) The Motion is **granted** to the extent Defendants are awarded \$400.00 for the removal fee;
- (2) The Motion is **granted** to the extent Defendants are awarded \$325.00 in fees for service of process;
- (3) The Clerk of Court is **directed** to enter a cost judgment for Defendants Carmine Marceno and Robert Casale in the amount of \$725.00;
- (4) The Motion is **denied** as to Defendants’ request to tax the mediator’s fee;
- (5) The Motion is **denied without prejudice** to the extent it seeks any other relief; and

(6) Defendants may file an adequately supported renewed motion, if they choose to do so, by **November 12, 2021**.

DONE and **ORDERED** in Fort Myers, Florida on October 28, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record